

EXHIBIT A

FILED WITH REDACTIONS

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

Civil Action - Law
No. 3:17-cv-00072-NKM

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ELIZABETH SINES, SETH WISPELWEY, :
MARISSA BLAIR, TYLER MAGILL, :
APRIL MUNIZ, HANNAH PEARCE, :
MARCUS MARTIN, NATALIE ROMERO, :
CHELSEA ALVARADO, and JOHN DOE, :

Plaintiffs, :

- vs - :

JASON KESSLER, et al., :

Defendants. :

-----X

Deposition of ELLIOTT KLINE

| | |
|-------------------|---------------------------|
| 228 Walnut Street | Wednesday, August 7, 2019 |
| Harrisburg, PA | 10:05 a.m. |

IT IS HEREBY STIPULATED and agreed that the
sealing of the within transcript is waived.

IT IS FURTHER STIPULATED and agreed that all
objections except as to the form of the question
are reserved to the time of trial.

Page 58

1 don't even know where to begin or who it would
2 have been.
3 Q. Could you name an example?
4 A. Umm, I know Washington Post, New York
5 Times. I know BBC we talked to at one point.
6 Almost every news organization I can think of.
7 Lots of local ones.
8 Q. Those organizations sent you e-mails
9 to communicate with you, right?
10 A. Yes.
11 Q. And you e-mailed them back?
12 A. Not always. Depending on who it was.
13 I know, like, Huffington Post sent us an e-mail
14 and we never responded. Things like that. But
15 50/50 we would respond. It was just them asking
16 us for interviews, or, like, a list of questions
17 in an e-mail.
18 Q. Did you respond to those questions via
19 e-mail?
20 A. Yeah.
21 Q. From your IdentityEvropa.com e-mail
22 address?
23 A. Yeah.
24 Q. Using your iPhone?
25 A. Yes.

Page 60

1 is or anything like that.
2 Q. Do you know her neighbor's name?
3 A. No. Like I said, it was just -- that
4 computer -- literally the only thing was it was
5 connected to the internet -- or connected to the
6 printer.
7 Q. At your girlfriend's neighbor's house,
8 correct?
9 A. Yes.
10 Q. Where was this house?
11 A. South Carolina, in Greenville.
12 Q. Do you know the address?
13 A. No.
14 Q. When was it that you were using your
15 girlfriend's neighbor's laptop?
16 A. Probably five -- four or five months
17 before Charlottesville. So, pretty ahead of
18 time in Charlottesville. It wasn't, like, in
19 relation to Charlottesville or anything like
20 that.
21 Q. This was in early 2017?
22 A. Yeah. This was before Charlottesville
23 was even a thing.
24 Q. What were the documents that you were
25 using this neighbor's computer to print?

Page 59

1 Q. Any other devices that you used to
2 respond to those e-mails?
3 A. No.
4 Q. Only your iPhone?
5 A. I only ever used my phone, yeah.
6 Q. You never used a computer?
7 A. The only other computer I used was a
8 shitty laptop that at the time was -- I think it
9 was my girlfriend at the time's neighbor. I
10 think it was her laptop. But it was literally
11 to send something from my iPhone to the printer.
12 So, anything that was -- would be on
13 the computer is something that was on my phone.
14 It was literally just -- because I couldn't send
15 documents from my phone to the printer. That
16 was the only thing.
17 Q. Who was your girlfriend at the time?
18 A. Her name was [REDACTED]
19 Q. What was her full name?
20 A. [REDACTED] I don't know how to
21 spell that last name though.
22 Q. Do you have her contact information?
23 A. No. We did not part ways in good
24 terms. So, I don't know. I don't have any of
25 her contact information. I don't know where she

Page 61

1 A. Umm, I don't remember. I just
2 remember printing -- I just remember not being
3 able to print off my phone. I don't remember
4 exactly what it was. They weren't -- I don't
5 know what it was. I think I was going on a trip
6 and I needed to -- I was handing out, like,
7 information to somebody. I don't even remember
8 exactly what it was. It wasn't -- it was
9 nothing to do with Charlottesville or anything
10 like that.
11 I think it was, like, a bullet point
12 list of ideas, or something like that. And I
13 was handing it out at a meeting I was going to.
14 Q. Was this related to Identity Evropa?
15 A. Yes.
16 Q. Did Identity Evropa have a website?
17 A. Yes.
18 Q. Was it a public website?
19 A. What do you mean by that?
20 Q. Was it available to the public? Or
21 did you need to log in to view it?
22 A. Umm, yes. It was a public website.
23 Q. Was there also a private component to
24 it?
25 A. Umm, not that I know of. I didn't

| Page 110 | Page 111 |
|--|--|
| <p>1 A. No, I don't think any of it was. The 2 only -- the only document typing or anything 3 like that, creation that I did, was on my Google 4 drive to Google docs, copying it and pasting it 5 and making it into that -- putting it on 6 Discord, was that document explaining the rules 7 and what everyone was doing, the planning 8 document that got leaked. 9 That is the only documents that I made 10 or created for the event. 11 Q. Did you make any promotional 12 materials, such as a poster? 13 A. I didn't make any of that. Somebody 14 else did. 15 Q. Did you discuss with others who made 16 promotional materials, what those materials 17 were? 18 A. I believe Jason Kessler handled all 19 that stuff. 20 Q. When you say somebody else made 21 promotional materials, who would that have been? 22 A. I have no idea who made -- who made 23 the stuff. Like I said, Jason Kessler handled 24 that kind of thing. The promotion, the 25 promotional stuff, the speakers, things like</p> | <p>1 that. 2 Q. Did you write any articles about Unite 3 the Right? 4 A. Articles for what? For -- no, I 5 didn't produce any -- publish any articles or 6 anything like that. 7 Q. Did you write any kind of blog post 8 about Unite the Right? 9 A. Umm, not that I can remember. 10 Q. Have you used a computer to send 11 e-mails regarding Unite the Right? 12 A. Other than the court case stuff, no. 13 Q. But you have used a computer to send 14 e-mails regarding the court case? 15 A. Just, like, responding -- when the 16 phone wasn't working, I would just use, like, 17 whatever computer I could get. Like, I went to 18 a -- I think I went to -- I don't even know what 19 the hell they are called. One of those internet 20 cafe places just to get to my e-mail once. I 21 don't remember where it was. It was in 22 Lancaster City. But it was just trying to get 23 to my e-mail, to e-mail them back. 24 Q. When was that? 25 A. I don't know. Sometime before all the</p> |
| Page 112 | Page 113 |
| <p>1 -- before they filed this. So, before July. 2 Q. Which e-mail address would that have 3 been? 4 A. The Eli F. Mosley one. 5 Q. Did you own a computer in 2017? 6 A. Umm, in 2017. So, that is the year of 7 the rally and stuff. Yes, I did. But I didn't 8 -- basically what happened with me was I had 9 gotten let go of my job in late 2016 and I moved 10 down to South Carolina with my girlfriend at the 11 time. I wasn't able to bring any of my stuff, 12 which included my computer and lots of other 13 stuff. 14 Q. What job had you gotten let go of in 15 late 2016? 16 A. I was an HR manager for a company 17 called JC Ehrlich. 18 Q. When you moved down to South Carolina, 19 why were you not able to bring your computer? 20 A. I couldn't fit all my stuff in the 21 car. I just brought my clothes and stuff like 22 that. 23 Q. So, what happened to your computer 24 then? 25 A. It was set in my parents' storage</p> | <p>1 shed, I think. It was -- it was a computer I 2 used for work, for when I had the job at JC 3 Ehrlich. 4 Q. Where is that computer now? 5 A. At my parents' place. 6 Q. Do you use that computer now? 7 A. No. 8 Q. Does the computer still work? 9 A. I think so. Probably. 10 Q. When did you first get that computer? 11 A. Probably 2012. 12 Q. What kind of computer is it? 13 A. Just a -- I don't know, desktop 14 computer. 15 Q. Do you know the brand of computer it 16 is? 17 A. No. I think it is custom -- it is 18 just kind of a Frankenstein machine. 19 Q. You used that computer in 2017, right? 20 A. No, no, no. No. Like I said -- 21 Q. Excuse me, you used that computer in 22 2016, right? 23 A. Yes. But it was -- like I said, it 24 was before most of the Alt-Right stuff. 25 Q. When was the last time that you used</p> |

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| <p style="text-align: right;">Page 114</p> <p>1 that computer?</p> <p>2 A. Late 2016.</p> <p>3 Q. It has been sitting in the storage</p> <p>4 shed since then?</p> <p>5 A. Yes.</p> <p>6 Q. So, when you moved to South Carolina,</p> <p>7 you testified that you were not able to bring</p> <p>8 your computer, right?</p> <p>9 A. No, which was why I used my phone.</p> <p>10 Q. Did you get another computer once you</p> <p>11 were in South Carolina?</p> <p>12 A. No.</p> <p>13 Q. Did you use someone else's computer in</p> <p>14 South Carolina?</p> <p>15 A. The only time I used my computer is</p> <p>16 when I went to print stuff off, which was, like,</p> <p>17 rarely, because I didn't -- I didn't need paper</p> <p>18 when I was down there. I didn't need anything</p> <p>19 printed out for me, or whatever. It wasn't like</p> <p>20 I was handing it out to anybody down there.</p> <p>21 So, the only time I had to print</p> <p>22 something off was -- I had some sort of meeting</p> <p>23 where I had to be on the phone and I had to look</p> <p>24 at what I was looking at. So, I couldn't look</p> <p>25 at it while I was on the phone.</p> | <p style="text-align: right;">Page 115</p> <p>1 Q. When was that?</p> <p>2 A. Late -- or early 2017. By the spring,</p> <p>3 summer 2017, I guess.</p> <p>4 Q. So, what computer were you using in</p> <p>5 2017 then?</p> <p>6 A. I wasn't using a computer. What do</p> <p>7 you mean?</p> <p>8 Q. Well, you testified that in 2017 you</p> <p>9 had some kind of meeting where you had to be on</p> <p>10 the phone, that you couldn't look at what was on</p> <p>11 your phone, so you used a computer to print</p> <p>12 something.</p> <p>13 A. That was the neighbor's computer I</p> <p>14 said I used to print something off. I literally</p> <p>15 just -- all I did was plug my phone into her</p> <p>16 computer and send it to the printer, or</p> <p>17 whatever.</p> <p>18 Q. You don't know that neighbor's name?</p> <p>19 A. I don't remember her name at all, no.</p> <p>20 I don't even remember -- I don't remember the</p> <p>21 address we even lived at or anything.</p> <p>22 Q. You don't remember the address that</p> <p>23 you lived at --</p> <p>24 A. No.</p> <p>25 Q. -- in South Carolina?</p> |
| <p style="text-align: right;">Page 116</p> <p>1 A. I was only there for, like, two or</p> <p>2 three months, then we moved.</p> <p>3 Q. Do you remember anything about where</p> <p>4 you were living in South Carolina?</p> <p>5 A. It was in Greenville. It was on,</p> <p>6 like, a popular road. I don't know. It was on</p> <p>7 a busy road. I don't know.</p> <p>8 Q. Did you ever use anyone else's</p> <p>9 computer or your own computer to -- umm, to send</p> <p>10 e-mails regarding Unite the Right?</p> <p>11 A. To send e-mails, no.</p> <p>12 Q. You did testify that you used an</p> <p>13 internet cafe, right, in Lancaster City to send</p> <p>14 e-mails regarding --</p> <p>15 A. That was to check my e-mails, to see</p> <p>16 if I got anything for this. And I hadn't.</p> <p>17 Q. Have you used anyone else's computer,</p> <p>18 yours or anyone else's, to check your e-mails to</p> <p>19 see if you had gotten e-mails regarding this</p> <p>20 case?</p> <p>21 A. No. Just that one.</p> <p>22 Q. What about your neighbor's computer?</p> <p>23 A. Umm, no. That was -- we left there</p> <p>24 before Unite the Right even happened.</p> <p>25 Q. What about Mr. Spencer's computer?</p> | <p style="text-align: right;">Page 117</p> <p>1 A. Like I said, his computer was always,</p> <p>2 like, out or whatever, I guess, you can say.</p> <p>3 Like, I didn't use it for e-mails or anything</p> <p>4 like that, no. I never signed into my e-mail</p> <p>5 address on his computer or anything, no.</p> <p>6 Q. What about family members' computers?</p> <p>7 A. No.</p> <p>8 Q. Does your sister have a computer, for</p> <p>9 example, that you used?</p> <p>10 A. No.</p> <p>11 Q. What about to send or check social</p> <p>12 media messages regarding Unite the Right? Did</p> <p>13 you ever use anyone's computer to do that?</p> <p>14 A. No, just my cell phone.</p> <p>15 Q. Not a single time you can remember</p> <p>16 using anyone's computer --</p> <p>17 A. No.</p> <p>18 Q. -- to check --</p> <p>19 A. No.</p> <p>20 Q. -- or send messages regarding Unite</p> <p>21 the Right?</p> <p>22 A. No. I always used my phone.</p> <p>23 Q. When you used computers to print</p> <p>24 documents, which documents were those?</p> <p>25 A. I don't remember what they were for.</p> |

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| <p style="text-align: right;">Page 394</p> <p>1 Q. 6:38 p m. 2 A. Yes, I see. 3 Q. From Eli Mosley. 4 A. Which one? There is -- yeah, the PC 5 one? That is not a huge deal. That one? 6 Q. Do you see a message on March 31, 2017 7 from Eli Mosley stating one for work, one for 8 personal shit, and one for the Alt-Right? 9 A. Yeah, I see that. But, like I said, I 10 did not have multiple phones. 11 Q. Did you make that statement on 12 Discord? Did you write that? 13 A. Yeah. I mean, I did -- I mean, I said 14 I have three phones, right. And I said that one 15 for each thing. But I don't know -- I 16 definitely didn't have three phones. I never 17 had three phones. I don't know why I would say 18 that. I don't know if it was -- if I was 19 joking. 20 The guys that were in this chat -- I 21 don't know who deleted user, Unlimited Power, 22 is. But Gray and Wyatt, or whatever, I know we 23 -- we would constantly joke about stuff. I 24 don't know if that is what this is or not. 25 Q. Why would you say on Discord that you</p> | <p style="text-align: right;">Page 395</p> <p>1 had three phones if it wasn't true? 2 A. Like I said, I don't know -- I don't 3 know the context of these -- this conversation. 4 So, it could be that we were joking about 5 something. I don't know. 6 I definitely didn't have three phones 7 though. The only two phones I have ever had -- 8 I mean, the 610 number I have had since, like, 9 seventh grade. And, like, it has only been on 10 two different phones. The other phone I got is 11 the, umm, the Walmart one. I definitely don't 12 have three phones. 13 Q. You testified, Mr. Kline, that you had 14 a computer in 2016, right? 15 A. In 2016, yes. 16 Q. And, Mr. Kline, you testified that you 17 left that computer at your parents' place in 18 2016; is that right? 19 A. In a storage unit, or whatever. I 20 haven't touched it for awhile. 21 Q. You stated that you moved to South 22 Carolina with your girlfriend in 2016, right? 23 A. Umm, it wasn't -- it was -- it was 24 2017, I think. It was the early part of 2017. 25 I think it was the spring of 2017.</p> |
| <p style="text-align: right;">Page 396</p> <p>1 Q. Did you testify that you moved to 2 South Carolina with your girlfriend in late 3 2016? 4 A. I might have -- it might have been 5 2017, is what I meant. I think it was 2017 when 6 I moved there. I would have to -- I don't know 7 the exact dates. I think it would be 2017 8 though. Because late -- maybe it was late 2016 9 into early 2017. That would make sense. 10 Because I was let go from my job in late 2016, I 11 believe. Which -- and I moved there with her, 12 like, three weeks afterwards. So, that would 13 actually make sense. Like, late -- either the 14 beginning of 2017 or late 2016. 15 Q. When were you let go from your job? 16 A. Umm, I don't know the exact date. It 17 was late 2016, I think it was. It was right 18 around Christmas, I think it was. 19 Q. Who was your employer at that time? 20 A. JC Ehrlich Rentokil. 21 Q. And it was after that point that you 22 moved to South Carolina with your girlfriend? 23 A. Correct. 24 Q. When you moved to South Carolina, you 25 had testified that you did not bring the</p> | <p style="text-align: right;">Page 397</p> <p>1 computer with you, right? 2 A. Right. 3 Q. And you testified that was because you 4 couldn't store it in the car; is that right? 5 A. Yeah. It is a huge -- it is, like, a 6 huge, old tower. 7 Q. So, you did not have a computer in 8 2017, right? 9 A. No. 10 Q. You testified that the only computers 11 that you used in 2017 were Richard Spencer's and 12 your girlfriend's neighbor's computer? 13 A. Correct. Just to print stuff off. 14 Q. Only those two computers? 15 A. Correct. 16 Q. You did not have a home PC in 2017, 17 correct? 18 A. No, not in 2017, no. 2016, like I 19 said, I had the big tower thing. 20 Q. Isn't it true that, in fact, you did 21 have a home PC in 2017? 22 A. What do you mean? I don't understand. 23 Q. Isn't it true that you did have a home 24 PC in 2017? 25 A. I wasn't even -- I don't understand</p> |

Page 402

1 Q. This was your Discord chat?

2 A. Yes.

3 Q. You made this message on Discord on

4 March 22, 2017 at 5:02 p.m., right?

5 A. Yes.

6 Q. And you wrote on Discord, quote -- you

7 wrote, quote, if he comes in and I have to

8 defend myself, all they have to do is look

9 through my computer and I am fucked. So, not

10 really a good option, closed quote.

11 A. Yeah. So, the only thing I can think

12 of I am referencing there is my computer screen.

13 I had a computer screen that I would -- at my

14 girlfriend's house, we didn't have a TV. We

15 used a computer screen to watch Netflix and

16 stuff like that on.

17 But I don't know -- I don't know --

18 you guys gave me -- are giving these to me with

19 no context. So, I don't know what they are

20 about, what it is talking about. It could be

21 talking about something else entirely than what

22 this conversation -- or what this single comment

23 says.

24 Q. You did make this statement on Discord

25 in March of 2017, right?

Page 404

1 BY MR. BARKAI:

2 Q. You are being handed Exhibit 36. This

3 was also a Discord message that you made, right?

4 A. Yes, it looks like it.

5 Q. This Discord chat you posted in -- on

6 March 31, 2017 at 10:38 p.m., right?

7 A. Correct.

8 Q. In this chat you wrote, well, it is

9 not a huge deal, cause the phone is backed up on

10 my PC, closed quote, right?

11 A. I am probably talking about the old PC

12 I left in Pennsylvania when I moved. Because

13 this phone hasn't been backed up for 400-

14 something days, or 600 days, or something like

15 that.

16 Like I said, I left the -- I left -- I

17 left the computer -- you guys can go through if

18 you want. It is, like, a shitty, like, broken

19 computer.

20 Q. Did you back up your phone on the

21 computer?

22 A. Oh, yeah. I mean, way before -- like,

23 in 2016 I backed it up. I haven't backed it up

24 again since, I don't think.

25 Q. Earlier today when I asked you if you

Page 403

1 A. Correct.

2 Q. And your testimony is that this

3 message has to do with a computer screen?

4 A. I don't know, because my -- I can't

5 give a testimony on something when it is

6 literally one sentence. If you want me to look

7 through the entire message, maybe I can get some

8 context what's going on.

9 Q. You just stated at the beginning of

10 one of your prior answers the only thing I am

11 referencing there is my computer screen.

12 That is your testimony?

13 A. I said that is -- I mean, that is

14 probably what I am referencing there. I mean,

15 that is when I am living at the house with my

16 girlfriend. And I know that we had a computer

17 screen as our only screen.

18 But I don't know what I am referencing

19 here with the if he comes in thing. It might

20 totally be a joke. I don't know what it is

21 talking about. I don't know what I am talking

22 about there. I would need the full -- like I

23 said, I would need the full context.

24 (Exhibit 36, 3/31/2017 Discord chat,

25 marked for identification.)

Page 405

1 had backed up your phone onto a computer or any

2 other device and you said you had not done that,

3 that wasn't true, right?

4 A. Well, what I thought you meant at the

5 time, or what I meant was I haven't backed up

6 the -- I haven't backed up this phone before,

7 like -- 2016 -- 2016, umm, Unite the Right

8 wasn't even a thing yet. We haven't been

9 talking about it. So, it wasn't really in

10 reference to it.

11 But now -- now that I -- obviously I

12 have had this phone for years. It has been

13 backed up at some point on a computer. But it

14 was backed -- so, yeah, it was backed up on an

15 old computer. But it was forever ago.

16 Q. Earlier today I asked you if you had

17 backed up your phone onto a computer and you

18 said that you had not done that. That wasn't

19 true, right?

20 A. Well, not -- right. But when I said

21 that, like I said, I was saying that with the

22 thought of reference to Unite the Right.

23 The phone was backed up before Unite

24 the Right was even -- Unite the Right one even

25 happened, let alone two. So, what I am talking

Page 418

1 with Discord regarding your attempts to allow
2 your account to be shared with Plaintiffs,
3 correct?

4 A. Correct.

5 Q. And you have committed to do that
6 within the next 24 hours, right?

7 A. Yes.

8 Q. You understand you are just to forward
9 those e-mails to Plaintiffs' counsel, whether me
10 or Mr. Bloch or anyone else?

11 A. Yes. If I have Twitter ones, I'll
12 forward those as well. I don't know if I have
13 those or not though.

14 Q. And you have agreed to finish
15 completing the consents for Twitter and the
16 Exhibit A certification form once this
17 deposition is concluded, right?

18 A. Correct.

19 MR. BARKAI: That concludes my
20 questions for today, Mr. Kline. Thank you very
21 much.

22 THE VIDEOGRAPHER: The time is now
23 6:03 p.m., this is the end of today's
24 deposition.

25 MR. DiNUCCI: Could I interject? Two

Page 419

1 things. I just want to say on the record what I
2 said earlier, I don't have any questions. I was
3 aware that questions to which I objected
4 previously were going to be asked. I would have
5 been ready to do some cross examination.

6 The second thing, Mr. Barkai, do you
7 want to inform the Deponent of his rights to
8 read or waive the right to read? I'll leave it
9 at that. Thank you.

10 MR. BARKAI: You have a right under
11 the Federal Rules of Civil Procedure to -- we
12 don't need to do that on the record, Mr.
13 DiNucci.

14 Is there a reason to do that on the
15 record?

16 MR. DiNUCCI: No. I think it is only
17 fair that he be informed of that. That is all.
18 I guess we are done.

19 MR. BARKAI: I think we are done.

20 MR. DiNUCCI: Thank you.

21 (At 6:03 p.m., the deposition
22 concluded.)

23 * * * *


Page 420

CERTIFICATE

1 I, Angela N. Kilby, the officer before whom
2 the within deposition(s) was taken, do hereby
3 certify that the witness whose testimony appears
4 in the foregoing deposition(s) was duly sworn by
5 me on said date and that the transcribed
6 deposition of said witness is a true record of
7 the testimony given by said witness;

8 That the proceeding is herein recorded fully
9 and accurately;

10 That I am neither attorney nor counsel, nor
11 related to any of the parties to the action in
12 which these depositions were taken, and further
13 that I am not a relative of any attorney or
14 counsel employed by the parties hereto, or
15 financially interested in this action.
16
17
18
19

20 
Angela N. Kilby, Reporter
Notary Public in and for the
Commonwealth of Pennsylvania

21 My commission expires
22 June 2, 2023
23
24
25